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PROBLEMS OF IMPLEMENTATION OF INTERNATIONAL HUMANITARIAN LAW

Nowadays in our country, there is a tendency to European integration and developing law and governmental system according to international standards and following principles and norms of International Law. For this reason point of adapting national legislation to international acts becomes more and more important.

One of the branches of International Law is Humanitarian Law. International humanitarian law (IHL), also known as the laws of war and the law of armed conflict, is the legal framework applicable to situations of armed conflict and occupation. As a set of rules and principles, it aims, for humanitarian reasons, to limit the effects of armed conflict [1].

As we know protection of human rights and state's safety are general goals of every country. That's why it is important to establish effective rules of functioning of the national army, armed conflicts and so on. Thus every country's government has to implement provisions of International Humanitarian Law.

In order to be able to discuss problems of implementation of Humanitarian Law, it is necessary to determine term «implementation».

Implementation is the organizational and legal activities of States in order to realize their international legal obligations [4, p. 459]. Studying of the process of implementation of the norms of International humanitarian law becomes particularly relevant because of the constant expansion of the range of problems settled by the international, and, in particular, international humanitarian law.

In-depth studying of the implementation process of international norms has generated in the science of international law a number of controversial issues connected with the balance of international and domestic law, the relation of the international treaty and the national law, the concept of transformation of international law norms into domestic law, solution of collision between the norms and so on.

The implementation is divided into two stages: the consent of the state to the signing of norms and the realization of the signed norms.

Reasons for the ineffectiveness of existing conventions and other international treaties are imperfect international and state's control over their implementation in the stage of realization of the signed norms. At the same time, the emphasis was placed on the need to develop an integrated sub-progress in solving the problems of mutual control, creating legal conditions for mutual actions of states in the field of prevention of armed aggression, development of confidence measures. Nevertheless, The Geneva Conventions of 1949 and the Additional Protocols

don't contain specific provisions on the types and forms of control over their implementation. [2, p. 570-647; 3, p. 647-658 5, p. 71-97; 6, p. 101-124; 7, p. 125-204; 8, p. 204-280].

On my opinion, the most important structural elements of the implementation mechanism of norms of international humanitarian law are constitutional, legislative, administrative and judicial maintenance of the implementation of the international humanitarian law. The sequence of elements of this system is based on the established state bodies system and procedures of their activities.

Consequently, we have following directions improvement of military legislation in Ukraine:

- development of legal support for military activities;
- improvement of the regulation of the processes of organization and management of armed struggle;
- creating legal principles of cooperation in the implementation of the norms of international humanitarian law.

Interagency Commission on the Application and Implementation of International Humanitarian Law in Ukraine has to become the main state's body in this sphere [9].

According to Decree of Cabinet of Ministers of Ukraine, this Interagency Commission is created to facilitate the implementation of international legal obligations of Ukraine in the field of international humanitarian law. Its main responsibilities are:

- to check whether Ukrainian legislation conforms provisions of Humanitarian Law;
- to take part in creating and analyzing legal acts on the application and implementation of International Humanitarian law;
- to participate in conducting scientific researches and providing expert assessments on the conformity of normative legal acts to the norms of International Humanitarian law;
- the monitoring compliance with the international humanitarian law in Ukraine etc [9].

In conclusion, it is necessary to say that at the current stage of the development of the international community it is very important to keep peace and safety of the whole world. The success of this aim depends on each country and the international community at all. We should respect human rights and state's values by the way of coordination in the military sphere, protection of civilians and establishment of rules of armed conflicts. Likewise, it is one more way to international integration.

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